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Seventy-first General Assembly  
STATE OF COLORADO

DRAFT  
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LLS NO. 18-0547.01 Michael Dohr x4347

COMMITTEE BILL

Committee on Legal Services

**BILL TOPIC:** "Relocate Title 12 Firearms"

**A BILL FOR AN ACT**

101     **CONCERNING THE NONSUBSTANTIVE RELOCATION OF THE LAWS**  
102             **RELATED TO FIREARMS FROM TITLE 12, COLORADO REVISED**  
103             **STATUTES, AS PART OF THE ORGANIZATIONAL RECODIFICATION**  
104             **OF TITLE 12.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Committee on Legal Services.** Current law directs the office of legislative legal services to study the organizational recodification of title 12, Colorado Revised Statutes, which relates to professions and

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

occupations. To implement the initial recommendations of the study, **section 1** of the bill relocates article 26 of title 12, firearms dealers, to a new part in article 12 of title 18, Colorado Revised Statutes. **Section 2** of the bill relocates article 26.1, gun show background checks, to a new part in article 12 of title 18, Colorado Revised Statutes. **Sections 3 and 4** of the bill make conforming amendments, and **section 5** repeals the articles where the law was previously codified.

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*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, **add with amended and relocated provisions** part 4 of article 12 to title 18 as follows:

PART 4

FIREARMS - DEALERS

**18-12-401. [Formerly 12-26-101] Definitions.** As used in this ~~article~~ PART 4, unless the context otherwise requires:

(1)(a) "Firearms" means a pistol, revolver, or other weapon of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve inches.

(b) "Firearms" does not include firearms, as defined in ~~paragraph (a) of this subsection~~ (1) SUBSECTION (1)(a) OF THIS SECTION, for which ammunition is not sold or which there is reasonable ground for believing are not capable of being effectually used.

**18-12-402. [Formerly 12-26-102] Retail dealers - record - inspection.** Every individual, firm, or corporation engaged, within this state, in the retail sale, rental, or exchange of firearms, pistols, or revolvers shall keep a record of each pistol or revolver sold, rented, or exchanged at retail. The record ~~shall~~ MUST be made at the time of the transaction in a book kept for that purpose and ~~shall~~ MUST include the

1 name of the person to whom the pistol or revolver is sold or rented or  
2 with whom exchanged; his OR HER age, occupation, residence, and, if  
3 residing in a city, the street and number therein where he OR SHE resides;  
4 the make, caliber, and finish of said pistol or revolver, together with its  
5 number and serial letter, if any; the date of the sale, rental, or exchange  
6 of said pistol or revolver; and the name of the employee or other person  
7 making such sale, rental, or exchange. The record book shall be open at  
8 all times to the inspection of any duly authorized police officer.

9 **18-12-403. [Formerly 12-26-103] Record - failure to make -**  
10 **penalty.** Every individual, firm, or corporation who fails to keep the  
11 record provided for in ~~section 12-26-102~~ SECTION 18-12-402 or who  
12 refuses to exhibit such record when requested by a police officer and any  
13 purchaser, lessee, or exchanger of a pistol or revolver who, in connection  
14 with the making of such record, gives false information is guilty of a  
15 misdemeanor and, upon conviction thereof, shall be punished by a fine of  
16 not less than twenty-five dollars nor more than one hundred dollars, or by  
17 imprisonment in the county jail for not more than one year, or by both  
18 such fine and imprisonment.

19 **18-12-404. [Formerly 12-26-104] Jurisdiction - county courts.**  
20 County courts, within their respective counties, have jurisdiction to hear  
21 and determine all cases arising under the provisions of this ~~article~~ PART  
22 4, and appeal from judgment ~~shall be~~ IS to the district courts in the  
23 respective counties in the same manner as is now provided by law for  
24 appeals from judgments of the county courts in the cases of  
25 misdemeanors.

26 **SECTION 2.** In Colorado Revised Statutes, **add with amended**  
27 **and relocated provisions** part 5 of article 12 to title 18 as follows:

PART 5

BACKGROUND CHECKS - GUN SHOWS

**18-12-501. [Formerly 12-26.1-101] Background checks at gun shows - penalty.** (1) Before a gun show vendor transfers or attempts to transfer a firearm at a gun show, he or she shall:

(a) Require that a background check, in accordance with section 24-33.5-424, ~~C.R.S.~~, be conducted of the prospective transferee; and

(b) Obtain approval of a transfer from the Colorado Bureau of Investigation after a background check has been requested by a licensed gun dealer, in accordance with section 24-33.5-424. ~~C.R.S.~~

(2) A gun show promoter shall arrange for the services of one or more licensed gun dealers on the premises of the gun show to obtain the background checks required by this ~~article~~ PART 5.

(3) If any part of a firearm transaction takes place at a gun show, no firearm shall be transferred unless a background check has been obtained by a licensed gun dealer.

(4) Any person violating the provisions of this section commits a class 1 misdemeanor and shall be punished as provided in section 18-1.3-501. ~~C.R.S.~~

**18-12-502. [Formerly 12-26.1-102] Records - penalty.** (1) A licensed gun dealer who obtains a background check on a prospective transferee shall record the transfer, as provided in ~~section 12-26-102, C.R.S.~~ SECTION 18-12-402, and retain the records, as provided in ~~section 12-26-103, C.R.S.~~ SECTION 18-12-403, in the same manner as when conducting a sale, rental, or exchange at retail.

(2) Any individual who gives false information in connection with the making of such records commits a class 1 misdemeanor and shall be

1 punished as provided in section 18-1.3-501. ~~C.R.S.~~

2 **18-12-503. [Formerly 12-26.1-103] Fees imposed by licensed**  
3 **gun dealers.** For each background check conducted at a gun show, a  
4 licensed gun dealer may charge a fee not to exceed ten dollars.

5 **18-12-504. [Formerly 12-26.1-104] Posted notice - penalty.**

6 (1) A gun show promoter shall post prominently a notice, in a form to be  
7 prescribed by the executive director of the department of public safety or  
8 his or her designee, setting forth the requirement for a background check  
9 as provided in this ~~article~~ PART 5.

10 (2) Any person violating the provisions of this section commits a  
11 class 1 misdemeanor and shall be punished as provided in section  
12 18-1.3-501. ~~C.R.S.~~

13 **18-12-505. [Formerly 12-26.1-105] Exemption.** The provisions  
14 of this ~~article~~ PART 5 shall not apply to the transfer of an antique firearm,  
15 as defined in 18 U.S.C. sec. 921(a)(16), as amended, or a curio or relic,  
16 as defined in 27 CFR sec. 178.11, as amended.

17 **18-12-506. [Formerly 12-26.1-106] Definitions.** As used in this  
18 ~~article~~ PART 5, unless the context otherwise requires:

19 (1) "Collection" means a trade, barter, or in-kind exchange for one  
20 or more firearms.

21 (2) "Firearm" means any handgun, automatic, revolver, pistol,  
22 rifle, shotgun, or other instrument or device capable or intended to be  
23 capable of discharging bullets, cartridges, or other explosive charges.

24 (3) "Gun show" means the entire premises provided for an event  
25 or function, including but not limited to parking areas for the event or  
26 function, that is sponsored to facilitate, in whole or in part, the purchase,  
27 sale, offer for sale, or collection of firearms at which:

1 (a) Twenty-five or more firearms are offered or exhibited for sale,  
2 transfer, or exchange; or

3 (b) Not less than three gun show vendors exhibit, sell, offer for  
4 sale, transfer, or exchange firearms.

5 (4) "Gun show promoter" means a person who organizes or  
6 operates a gun show.

7 (5) "Gun show vendor" means any person who exhibits, sells,  
8 offers for sale, transfers, or exchanges, any firearm at a gun show,  
9 regardless of whether the person arranges with a gun show promoter for  
10 a fixed location from which to exhibit, sell, offer for sale, transfer, or  
11 exchange any firearm.

12 (6) "Licensed gun dealer" means any person who is a licensed  
13 importer, licensed manufacturer, or dealer licensed pursuant to 18 U.S.C.  
14 sec. 923, as amended, as a federally licensed firearms dealer.

15 **18-12-507. [Formerly 12-26.1-107] Appropriation.** The general  
16 assembly shall appropriate funds necessary to implement this ~~article~~ PART  
17 5.

18 **18-12-508. [Formerly 12-26.1-108] Effective date.** This ~~article~~  
19 PART 5 shall take effect March 31, 2001.

20 **SECTION 3.** In Colorado Revised Statutes, 18-12-112, **amend**  
21 (1)(a) introductory portion and (2)(b) as follows:

22 **18-12-112. Private firearms transfers - background check**  
23 **required - penalty - definitions.** (1) (a) On and after July 1, 2013, except  
24 as described in subsection (6) of this section, before any person who is  
25 not a licensed gun dealer, as defined in ~~section 12-26.1-106 (6), C.R.S.~~  
26 SECTION 18-12-506 (6), transfers or attempts to transfer possession of a  
27 firearm to a transferee, he or she shall:

1 (2) (b) A licensed gun dealer who obtains a background check on  
2 a prospective transferee shall record the transfer, as provided in ~~section~~  
3 ~~12-26-102, C.R.S.~~ SECTION 18-12-402, and retain the records, as provided  
4 in ~~section 12-26-103, C.R.S.~~ SECTION 18-12-403, in the same manner as  
5 when conducting a sale, rental, or exchange at retail. The licensed gun  
6 dealer shall comply with all state and federal laws, including 18 U.S.C.  
7 sec. 922, as if he or she were transferring the firearm from his or her  
8 inventory to the prospective transferee.

9 **SECTION 4.** In Colorado Revised Statutes, 18-12-302, **amend**  
10 (3)(a) introductory portion as follows:

11 **18-12-302. Large-capacity magazines prohibited - penalties -**  
12 **exceptions.** (3) The offense described in subsection (1) of this section  
13 shall not apply to:

14 (a) An entity, or any employee thereof engaged in his or her  
15 employment duties, that manufactures large-capacity magazines within  
16 Colorado exclusively for transfer to, or any licensed gun dealer, as  
17 defined in ~~section 12-26.1-106 (6), C.R.S.~~ SECTION 18-12-506 (6), or any  
18 employee thereof engaged in his or her official employment duties, that  
19 sells large-capacity magazines exclusively to:

20 **SECTION 5. Repeal of provisions being relocated in this act.**  
21 In Colorado Revised Statutes, **repeal** articles 26 and 26.1 of title 12.

22 **SECTION 6. Act subject to petition - effective date.** This act  
23 takes effect at 12:01 a.m. on the day following the expiration of the  
24 ninety-day period after final adjournment of the general assembly (August  
25 8, 2018, if adjournment sine die is on May 9, 2018); except that, if a  
26 referendum petition is filed pursuant to section 1 (3) of article V of the  
27 state constitution against this act or an item, section, or part of this act

1     within such period, then the act, item, section, or part will not take effect  
2     unless approved by the people at the general election to be held in  
3     November 2018 and, in such case, will take effect on the date of the  
4     official declaration of the vote thereon by the governor.